

**Kreck, John**

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**From:** jack york [gtjakco@yahoo.com]  
**Sent:** Wednesday, December 15, 2004 3:07 PM  
**To:** Kreck, John  
**Subject:** RE: proposed changes and what do you think? #10/712602



Patent Application .

Tile Extr... Mr. Kreck,

Sounds fine using the Examiners Amendment to incorporate the changes that were sent to you yesterday. Please find enclosed the Application file you requested. I will add the box to fig 1 and send it to you.

One other Advantage not mentioned is that fully set tiles can be recovered in closed room like a closet to replace a cracked or damaged tile in an open room like a hallway. Is this considered new material?

The reason I want to delete some of the claims is to afford more coverage with the remaining claims.

With the changes made could you email me a copy to review?

Thanks,

Jack York  
10/712602

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## Kreck, John

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**From:** jack york [gtjakco@yahoo.com]  
**Sent:** Tuesday, December 14, 2004 1:11 PM  
**To:** Kreck, John  
**Subject:** proposed changes and what do you think? #10/712602

[W] }  
Reply to office action  
la-clai...

[W] }  
Reply to office action  
la-othe...

Mr. Kreck,

Please look at the proposed changes. On the drawing could I just add a box next to the apparatus in Fig 1 enclosing the words "circular abrasive blade saw or drill"?

Thanks in advance,

Jack York  
10/712602

enclosures: 2 docs

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Email 12/14/04

PROPOSED CLAIM CHANGES

Claims: I claim:

1. An apparatus and A method for removing a portion of a grouted tile floor ~~where said portion has separated from the foundation comprising the steps of:~~
  - a. ~~a means for~~ removing grout and cementitious material around all sides of said tile without damaging said tile;
  - b. securing an apparatus to said tile, the apparatus comprising a rigid material forming a base plate of a predetermined size; e. a plurality of clamps that secure said base plate to said tile that fit into evacuated grout spaces around said tile; d. a cleat attached to said base plate that fits into another evacuated grout space perpendicular to said clamps, and; e. an impact area on said cleat and base plate for a hammering force to be applied on said impact area used to drive said base plate and consequently said tile forward in the same direction of the impact force;
  - c. impacting the impact area to drive the tile forward.
2. The method of claim 1, ~~ef wherein~~ removing said grout around said tile is done using a circular abrasive blade saw to cut out said grout or a drill to bore multiple holes in a series in said grout.
3. The method apparatus of claim 1 wherein said plurality of clamps are two opposing clamps that sandwich said tile.

4. The method apparatus of claim 1 wherein said clamps which sandwich said tile use a nut and bolt system to control the pressure exerted on said tile by said clamps.
  5. Claim canceled.
  6. Claim canceled.
  7. Claim canceled.
8. The method apparatus of claim 1 wherein said base plate is secured to said tile on the side opposite said impact area through a tensioning means such as a spring.
9. An apparatus ~~and method~~ for removing a grouted floor tile where said tile has separated from the foundation comprising:
- a. a means for removing grout and cementing material around all sides of said tile without damaging said tile;
  - b. a rigid material forming a base plate of a predetermined size; ~~that is adjustable in length~~
  - c. a plurality of clamps that secure the base plate to said tile that are dimensioned to fit into evacuated grout spaces around said tile;
  - d. a cleat attached to said base plate that fits is dimensioned to fit into another evacuated grout space perpendicular to said clamps to grip said edge of the tile; and,

e. an impact area on said base plate for a hammering force to be applied on ~~said impact area~~ used to drive said base plate and consequently said tile forward ~~in the same direction of the impact force.~~

10. The ~~method apparatus~~ of claim 9; wherein the means for removing said grout around said tile is ~~done using~~ a circular abrasive blade saw ~~to cut out~~ ~~said grout~~ or a drill ~~to bore multiple holes in a series in~~ ~~said grout~~.

11. Claim canceled.

12. Claim canceled.

13. Claim canceled.

14. The apparatus of claim 9 wherein said clamps sandwich said tile use a nut and bolt system to control the pressure exerted on said tile by said clamps.

15. Claim canceled.

16. Claim canceled.

17. Claim canceled.

18. The apparatus of claim 9 wherein said base plate is secured to said tile on the side opposite of said impact area through a tensioning means ~~such as a spring~~.

## OTHER PROPOSED CHANGES

### REFERENCE NUMERALS IN DRAWINGS

Change "26 tile hook" to "-26 tension clamp-"

Add "-55 circular abrasive blade saw or drill-"

### DESCRIPTION

Paragraph 2 beginning with "The entire structure..."

Line 1,

Add "-A means for removing grout and cementitious material  
55 around all sides of tile 54 without damaging said tile  
54 is used prior to installing the apparatus to remove said  
tile 54.-" before "The entire structure..."

Paragraph 3 beginning with "A spring lug..."

Line 5 to 6,

Change "A tile hook 26" to "-A tension clamp 26-"

Paragraph 5 beginning with "A tile clamp bolt..."

Line 15,

Change "secures" to "-secures and supports-

### OPERATION

Paragraph 1 beginning with "Prior to actual ..."

Line 3,

Insert "-55-" after "sawed out"

Paragraph 2 beginning with "After the grout ..."

Line 14,

Change "it" to "-if-"

Paragraph 2 beginning with "After the grout ..."

Line 15,

Insert "-Tile clamps 38R and 38L also help support base  
plate 10 above tile 54 and do not necessarily have to be  
tight against tile 54 to be effective.-" after last  
sentence "...of the apparatus."

Paragraph 3 beginning with "Hooked to the ..."

Line 4,

Insert "-The clamping action between tension clamp 26 and  
base cleat 15 should be such that the apparatus is  
immobilized on tile 54.-" after the last sentence  
"...apparatus and tile."

Paragraph 4, delete entire paragraph "After centering the apparatus ... width adjustment tension."

Substitute paragraph:

"-After the apparatus has been set in place and the tile clamps **38R** and **38L** and base cleat **15** are correctly set in the grout spaces the tile should be somewhat centered over the tile **54**. Once the tension is set between the tension clamp **26** and base cleat **15** the apparatus should be secure enough that it does not move and feels solid on tile **54**. The apparatus is then ready to start removal of tile **54**. -"

#### DRAWINGS

Add to figure 1 a box that reads "circular abrasive blade saw or drill" and enumerated as "-55-"

#### TITLE

"Apparatus and method for removing floor tile"

## Kreck, John

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**From:** jack york [gtjakco@yahoo.com]  
**Sent:** Tuesday, December 21, 2004 10:45 AM  
**To:** Kreck, John  
**Subject:** continuation in part

Mr. Kreck,

You have my proposed amendments and my faxed figures.  
What do you think; should I send it official via mail  
with the check?

Jack York  
10/712602

---

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## Kreck, John

---

**From:** jack york [gtjakco@yahoo.com]  
**Sent:** Sunday, December 19, 2004 11:54 PM  
**To:** Kreck, John  
**Subject:** Continuation in part 10/712602



Amendments for  
Continuation in...

Mr. Kreck,

I think it wise to include some new but closely related material so I will opt for the continuation in part and pay a new application fee. The claims would remain unchanged I believe but I would like to add another embodiment with corresponding text. I have the drawing made but I need to scan it for you as well as the amended Fig. 1 with the box. The text contains all the amendments that I want thus far and some amendments were left out from the first proposed amendment set I sent. I will send the scanned figures tomorrow and the check and forms asap.

Thanks,

Jack York  
10/712602

attachments: 1 doc - proposed amendments for cont. in part.

# Email communication 12/19

## Proposed Amendments for Continuation in Part

### Background – Field of Invention

Paragraph 1, Line 4

purpose of resetting them properly. The apparatus also relates to removing fully set tiles to be used in other areas of a floor for the purpose of replacing cracked tiles or tiles that cannot be repaired.

### Objects and Advantages

- (e) to recover a fully set tile in a closed room like a closet to replace a cracked or damaged tile in an open room like a hallway when both rooms have identical tile.

### Drawing Figures

Fig. 8 is a top view of another embodiment showing a simpler version with fewer parts.

Fig. 9 is a side view of the embodiment from Fig. 8

### Reference Numerals in Drawings

26 tile hook tension clamp

46 LC tension clamp nut

46 RC tension clamp nut

47 tension clamp nut support

48 LC tension clamp bolt

48 RC tension clamp bolt

75 circular abrasive blade saw or drill

### Summary

Paragraph 1, Line 3

can be reset properly. The apparatus is also designed to remove a fully set tile to be used in another area of a floor for the purpose of replacing cracked tile or a tile that cannot be repaired.

### Description – Figs. 4-7 1-9

Paragraph 1, Line 4

another adjustable component. Another embodiment is shown in Fig. 8 which is a simplified version.

Paragraph 3, Line 5

are to act as an attachment for a spring 22. A ~~tile hook~~ tension clamp

Paragraph 9, Line 17

Figs. 3, 7a for illustration.

Another embodiment illustrated in Figs. 8 and 9 is simpler in comparison to previous embodiments. Base plate 10 is "I" shaped like previous embodiments however; base tang 14 is placed beneath the main beam of base plate 10. Base tang 14 consists of a coupling nut and a bolt which can be replaced when worn. Width adjustment nuts 46R and 46L are mounted to the front of base plate 10. Tile clamp bolts 48R and 48L attach tile clamps 38R and 38L to base plate 10. Tile clamps 38R and 38L consist of a piece of pipe attached to an angled rigid material and their purpose is to support the apparatus during the removal process and do not necessarily need to be tightened on the tile.

Tension clamp nut support 47 attaches tension clamp nuts 46 RC and 46 LC to base plate 10. Tension clamp 26 consists of a piece angled rigid material with two pieces of pipe material attached to the top of the angled material. Tension clamp bolts 48RC and 48LC attach tension clamp 26 to base plate 10. The primary tension that attaches the embodiment to tile 54 is done with tension clamp 26.

### Operation

Paragraph 3, Line 1

Hooked to the front of tile 54 is a ~~tile hook~~ tension clamp 26 which is

Paragraph 7, Line 9

Process is the same as the above embodiment.

Another embodiment shown in Figs. 8 and 9 use fewer parts than the previous embodiments but is set up the same. The difference is that tension on tension clamp 26 is done through a bolt and nut mechanism. Tile clamps 38R and 38L do not need to be tightened on tile 54 for the removal process to be effective. The rest of removal process is the same.

The embodiments shown in Figs. 1 and 3 can also be operated without elements 50L, 50R, 48R, 48L, 42R, 42L, 46R, and 46L. Tile clamps 38R and 38L would support the apparatus as in the embodiment shown in Fig. 8 and tension clamp 26 would provide the tension to attach the apparatus to tile 54.

## **Summary, Ramifications and Scope**

Paragraph 1, Line 9

separated need repairing. The apparatus can also remove fully set tiles to be used wherever needed.

## **Kreck, John**

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**From:** Kreck, John  
**Sent:** Wednesday, December 22, 2004 10:37 AM  
**To:** 'jack york'  
**Subject:** RE: continuation in part

Mr. York--

One more thing, if you decide to have 10/712602 patented AND also file a CIP, there is a possibility of a "double patenting" rejection, which is not a big deal, but may result in an additional fee later on.

John Kreck

## **Kreck, John**

---

**From:** Kreck, John  
**Sent:** Wednesday, December 22, 2004 10:27 AM  
**To:** 'jack york'  
**Subject:** 10/712,602



Examiner

Amendment.doc Here is a copy of my proposed examiner's amendment to 10/712,602. It's not much different than what you last proposed. Please review it carefully, since I might have made a mistake, and it will be difficult to correct it later.

With your approval, I can have this entered next week, and then a notice of allowance will be mailed. You would then have 3 months to pay the issue fee and submit the new figure (by mail) if you wish to obtain a patent for this application.

Within that same 3 months, you could file a CIP application, even if you don't pay the issue fee. Take your time with the CIP, if you decide to file one---you may find something else new that you want to add in.

The fee system has changed--I think the fee for a CIP is \$500 (search fee, filing fee, and examination fee). The issue fee is \$1,000 (issue fee and publication fee). Your application hasn't been published yet, but you may still have to pay that fee if you decide to let this application be patented.

I'll be leaving early today, and I won't be back until next Monday.

John Kreck

## Kreck, John

---

**From:** Kreck, John  
**Sent:** Tuesday, December 21, 2004 2:07 PM  
**To:** 'jack york'  
**Subject:** RE: continuation in part

Mr York:

I received your email with proposed amendments for a continuation-in-part (CIP) application. I cannot review any material for a new CIP application until a new application is officially filed; but the drawing changes would be acceptable in the current application.

If you wish to file a CIP application, then you must submit an entire application including specification, claims, drawings, etc...Just like your first application, but with the new material already inserted---you can add as much new material as you like; to drawings/drawings and claims. Also, the first line of the specification should read "This application is a continuation in part of application 10/712,602." The cover letter should also indicate that the new application is a CIP of 10/712,602. If the application gets processed as a CIP, then I should get it on my desk fairly quickly. There is no hurry to file the CIP application, but it must be filed before 10/712,602 gets patented or abandoned. Remember to use a "certificate of mailing".

I will prepare an amendment for 10/712,602 (since this application is still officially pending); incorporating the changes that we outlined in the previous emails. I hope to get this to you tomorrow, for you to review. With your approval, I can make those changes to 10/712,602...it will then be up to you to decide whether to pay the issue fee. If you include some of the "old" claims in your CIP, then you won't need to pay the issue fee, and just let 10/712,602 be abandoned---if you change your mind about a CIP, then you can still get a patent for 10/712,602.

John Kreck

-----Original Message-----

From: jack york [mailto:[gtjakco@yahoo.com](mailto:gtjakco@yahoo.com)]  
Sent: Tuesday, December 21, 2004 10:45 AM  
To: Kreck, John  
Subject: continuation in part

Mr. Kreck,

You have my proposed amendments and my faxed figures.  
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Jack York  
10/712602

---

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## Kreck, John

---

**From:** Kreck, John  
**Sent:** Thursday, December 16, 2004 1:56 PM  
**To:** 'jack york'  
**Subject:** RE: proposed changes and what do you think? #10/712602

Mr. York:

Thank you

You are probably correct that replacing tile from an undamaged area would constitute new matter for the application, since your application repeatedly mentions damaged tile, or tile that has separated from the foundation. This new matter could not be added to the current application.

The proper way to get patent coverage for a slightly different process would be to file a continuation-in-part application, which must be done while this application is still pending. You'd have to pay a new application fee, of course.

If that new feature is important to you, you could file a continuation-in-part with new claims and with the current claims, and not pay the issue fee for the current application.

I'll email everything back to you next week, for your review before I make the final changes.

John Kreck

-----Original Message-----

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## **Kreck, John**

---

**From:** Kreck, John  
**Sent:** Tuesday, December 14, 2004 1:48 PM  
**To:** 'jack york'  
**Subject:** RE: proposed changes and what do you think? #10/712602

Hello Mr. York

Those claims generally look good, with the following exceptions:

--Claim 4 needs to depend from claim 3, since claim 3 is where the "sandwich" feature is first mentioned.

--Claim 9, part d., line 3, the phrase "said edge" is improper since an edge was not previously mentioned in the claim. Suggest changing that to "the edge"

--Claim 14, line 2, suggest changing "use" to --using--

I'm not sure why you want to cancel those other claims--we can keep them, with the minor changes which I suggested previously; you may cancel them if you wish, though.

I can make the changes to the claims and specification by an Examiner's amendment, if you wish. If you could E-mail me a copy of the original specification file, that would be helpful; but if you don't have it, that's OK.

A box in figure 1, as you suggested, would be fine. You would be required to submit a new drawing later (within 1 month, I think).

I will be leaving the office soon, but I'll be in tomorrow 5:30-2:00 Eastern time.

John Kreck

-----Original Message-----

From: jack york [mailto:[gtjakco@yahoo.com](mailto:gtjakco@yahoo.com)]  
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10/712602

enclosures: 2 docs

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